IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

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WRIT PETITION NO : 3669 of 2005

Between:

Matti Sri Padmavathi, W/o Srinivasa Rao,
R/o. Brahmapuram, Chilakalapudi, Machilipatnam, Krishna District.

..... PETITIONER

AND

1 The Superintendent of Police, Krishna District

at Chilakalapudi, Machilipatnam.
2 The Circle Inspector of Police, Machilipatnam Town,
Machilipatnam, Krishna District.
3 The Sub Inspector of Police, Chilakalapudi Police Station,
Machilipatnam, Krishna District.
4 Matti Srinivasa Rao, S/o. Narsiaiah,
T.S.D. Branch, Infotech Enterprises, Plot No.11,

Software Units Lay Out, Hitech City Madapur, Hyderabad - 500 033.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or Mandamus, or any other appropriate Writ, Order or direction: (i) Declaring that the respondents 2 & 3 are guilty of grave dereliction of their duties cast on them; (ii) Directing the 1st respondent to make personal investigation in Crime No. 192 of 2003 on the file of the Chilakalapudi Police Station or cause the same to be made by any of his subordinate Officers in the Town of Machilipatnam, other than the respondents 2 & 3 and file Charge-Sheet for the offence under Section 498-A I.P.C. against the 4th respondent, his parents, his sisters and the husbands of the sisters, his paternal uncle and his paternal uncles wife and others whose names were mentioned in the complaint dated 20-9-2003 in the competent court of law; (iii) Directing the 1st respondent to see that the Complaint dated 5-9-2003 given by her to the 3rd respondent is to be registered as F.I.R. and investigated in the matter by any of his subordinate officers, other than the respondents 2 and 3

and do the needful according to law; (iv) Directing the 1st respondent to take action against the respondents 2 & 3 for their grave dereliction of duties and for colluding with the 4th respondent and his people; and (v) Allowing this Writ petition with Costs.

Counsel for the Petitioner: MR.T.DURGA PRASAD RAO

Counsel for the Respondents1 to 3: G.P. FOR HOME

The Court at the stage of admission made the following

ORAL ORDER**:**

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

2. This writ petition is filed seeking a writ of Mandamus with the following reliefs:

> **(i) Declaring that the respondents 2 & 3 are guilty of grave dereliction of their duties cast on them;**
>
> **(ii) Directing the 1st respondent to make personal investigation in Crime No. 192 of 2003 on the file of the Chilakalapudi Police Station or cause the same to be made by any of his subordinate Officers in the Town of Machilipatnam, other than the respondents 2 & 3 and file Charge-Sheet for the offence under Section 498-A I.P.C. against the 4th respondent, his parents, his sisters and the husbands of the sisters, his paternal uncle and his paternal uncles wife and others whose names were mentioned in the complaint dated 20-9-2003 in the competent court of law;**
>
> **(iii) Directing the 1st respondent to see that the Complaint dated 5-9-2003 given by her to the 3rd respondent is to be registered as F.I.R. and investigated in the matter by any of his subordinate officers, other than the respondents 2 and 3 and do the needful according to law;**
>
> **(iv) Directing the 1st respondent to take action against the respondents 2 & 3 for their grave dereliction of duties and for colluding with the 4th respondent and his people; and**
>
> **(v) Allowing this Writ petition with Costs.**

3. At a glance, I am of the considered view that the said reliefs cannot be granted by this Court. The Courts should always proceed with trust against the respondents who are invested with onerous and noble duty to maintain law and order until and unless proved contra.

4. All the directions sought in the present writ petition were only against the first respondent on several grounds. Non-registration of the crime is one among them.

5. No doubt, as and when the respondents or the concerned Station House Officer were informed about the perpetration of an offence, the same should have been treated as a First Information Report and the same should be registered, of course, subject to certain limitations and procedures. Investigation, rather effective investigation, into such a complaint is important and very essential. This Court cannot, at all times, and on all occasions probe into the factual aspects under which the investigating agency could not proceed with, if at all it did not proceed with.

6. It is also acceptable proposition that as and when there is failure on the part of an important organ of the State in discharging its duty, the citizen can always approach the Court of Law and the Court would react appropriately.

7. Even in this case also, if there is any failure on the part of the Station House Officer or any other concerned officer in not registering the crime, it is always open for the person aggrieved to approach the Magistrate concerned having jurisdiction. However, it shall not be understood that in all such cases, aggrieved people shall always approach the Magistrates concerned.

8. With the great hope and trust that the respondents would act appropriately in the matter with such attention as it deserves, the writ petition is closed, at the stage of admission.

9. Registry is directed to communicate a copy of this order to the Director General of Police, Government of Andhra Pradesh, and the Commissioners of Police, Hyderabad and Cyberabad also, besides respondents
1 to 3 in this writ petition, for information and necessary action.

D.S.R. VARMA, J

02ND MARCH 2005

ISN/KRK

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1.The Director General of Police, Government of Andhra Pradesh, Hyderabad.

2.The Commissioners of Police, Hyderabad and Cyberabad.

3.The Superintendent of Police, Krishna District at Chilakalapudi, Machilipatnam.
4.The Circle Inspector of Police, Machilipatnam Town, Machilipatnam, Krishna District.
5.The Sub Inspector of Police, Chilakalapudi Police Station, Machilipatnam, Krishna District.

6.Two CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT)

7.Two CD copies

THE HON'BLE SRI JUSTICE D.S.R.VARMA

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